

PRIMOGENITURE IN MISSOURI STATUTES.

Recent decision on an Old State Law Indicates That Entails Are Possible.

PHRASE. "HEIRS OF THE BODY."

Revision of 1865 Unaccountably Revived Old Statute Under Which English Common Law Rule Applied.

From the communication below, sent to The Republic by Mr. Joseph G. Holliday of St. Louis, it appears that the revision of the Missouri statute on primogeniture can be put into force by any testator choosing to create an estate descending through eldest sons. The same result may be unintentionally produced by writing a will in ignorance of the meaning of the phrase "heirs of the body."

The communication follows: "The Missouri statute on primogeniture, as revised in 1865, is as follows: 'The heirs of the body of a person dying intestate shall be his eldest son, and if he have none, then his eldest daughter, and if she have none, then his eldest son, and so on, in the male line, until there be no more living.'"

St. Louis, April 25.—A recent decision of the Supreme Court of this State deserves more general attention than it has hitherto received, for the reason that the effect of said decision is to revive the old rule of primogeniture, which was abolished by the act of 1865.

There is an old phrase, "Heirs of the body," which has been used from time immemorial in legal documents. It is still used, and will continue to be used, by many, in ignorance of its effects, unless they are informed of the fact that it is now excluded from this communication.

Smith may, to-day, be drawing his will and leaving his real estate to his son John and the heirs of his body, without being in the least aware that the effect of such a devise is to give the estate (after John's death) to John's eldest son, to the exclusion of all other children of John's, and that by making this matter public an instrument may be put into the hands of some local Vanderbilt or Rockefeller, who will build up a vast estate by handing it down to his eldest son, who may do the same when he is through with it, but that cannot be helped, and it is better that one such dynasty be established than for one hundred to be dispersed through the ignorance of their ancestor.

By the common law of England, or rather the statute of 25 Edward III, a grant to "A and the heirs of his body" created what was known as an estate in fee tail, one of the principal features of which was the perpetuation of an estate through a long line of descent. When our independence was established the several States from time to time passed statutes abolishing this rule of inheritance, and the Legislature of Missouri, in the revision of 1865, abolished entails by an act which, in one form or another, has continued on our statute books to the present time.

But from the beginning there has been much difficulty in providing a clear and satisfactory substitute for the thing abolished. It was provided in the act of 1865, that, by a conveyance to "A and the heirs of his body" A should get only a life estate in the land conveyed, and the remainder should, at A's death, go to the person to whom the estate tail would have passed "by the course of the common law." The act of 1865 is substantially the same.

As there is no doubt that the first person whom such an estate would pass to, according to the course of the common law, is the eldest son, as soon as this became fully understood, the act of 1865 was made to make it more in harmony with our republican institutions, and the revision of 1892 made it more in harmony with the death of the statute, and the Legislature of Missouri, in the revision of 1892, made it more in harmony with the death of the statute, and the Legislature of Missouri, in the revision of 1892, made it more in harmony with the death of the statute.

Under this amendment the remainder would go to the children generally, share and share alike, instead of to the eldest child. The statute was left in this shape until 1895, when, for reasons known only to the Legislature, the act of 1865 was amended so that the remainder should go to the eldest child, and the statute was left in this shape until 1895, when, for reasons known only to the Legislature, the act of 1865 was amended so that the remainder should go to the eldest child.

It is not a little remarkable, considering the length of time this statute has been on our books, and the fact that it has been amended so many times, that it has remained unchanged to the present time. It is not a little remarkable, considering the length of time this statute has been on our books, and the fact that it has been amended so many times, that it has remained unchanged to the present time.

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Handsome woven walking Caps, lined throughout with silk, Irish point lace collar, \$2.00 value; for \$1.00.

Handsome Pongee Coats, lace applique trimmed, \$2.00 kind; for \$1.00.

Large assortment of Sacques, silk lined, hand embroidered, \$3.00.

Hand embroidered Sacques, \$3.50 value; for \$1.50.

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Parasol Covers, fine lace ruffles, \$1.50 value; for \$1.00.

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Mauchester Corded Chambray, a piece of fabric with extra white cord, 10c yard.

32-inch printed and corded Madras, the 10c quality, for 10c yard.

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32-inch Batiste, navy blue ground, white figures, 10c quality; for 10c yard.

Remnants of Batiste Mousselines, this season's most desirable fabric, 10c fabric for 10c yard.

Sea Island Percales, full pieces, perfect goods, 12c value; for 4c yard.

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30 yards lot of those fine double-fold printed and corded Madras, 20c elsewhere; here at 12c yard.

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Satin Striped Grenadine, embroidered stripes; 50c value; for 2c yard.

Pure linen embroidered dot Batiste, 50c value; for 2c yard.

Printed silk and linen Batiste, 60c yard.

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32-inch all wool Cassimeres, for pedestrians suits, extra good weight, gray mixed, brown mixed, blue mixed, and Oxford, 10c value; for 2c yard.

40-inch French Voile, fine sheer cloth, 10c value; for 2c yard.

13-yard pieces of English Lawn Cloth, the 3c quality; a special purchase made to sell to the public at 10c value.

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100 pieces of Bookfold Indian Dimity, in checks, stripes and broken plaids; 30c value; for 10c yard.

Satin stripe Mousselines, 25c value; for 10c yard.

Remnants of fine sheer Dimity, the 12c quality; for 2c yard.

Remnants of Red Stripe Mousseline, 10c value; for 2c yard.

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44-inch Mohair Lustré, 10c value; for 2c yard.

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